**S.B. CIVIL WRIT PETITION NO.3148/1995**
**(State of Rajasthan Vs. Shri Bheema & Anr.)**

**Date of order :: 30.10.2007**

**HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS**

Mr.S.N. Tiwari, Dy. G.A. for State.
Mr.M.R. Singhvi, for the respondent.

In this case, the petitioner - Irrigation Department is challenging the validity of the order dated 02nd April, 1994 (Annexure-16) passed by the learned Judge, Labour Court, Udaipur.

It is contended by learned counsel for the petitioner that under Section 33-C(2) of the Industrial Disputes Act, 1947 the learned Judge, Labour Court has no jurisdiction to determine potential wages.

In this case, upon perusal of the order, it is clear that the order has been passed for compliance of the order passed by the State Government dated 28th February, 1980 whereby revised pay scale was allowed w.e.f. 01st March, 1980. In the operative portion of the order, it is made clear that for the purpose of other benefits and

entitlement for Gr.III for the post of Pump Driver since 1967 and Gr.I for the post of Pump Driver since, 1975, the petitioner's application was dismissed because this issue was beyond the scope of 33-C(2) of the Industrial Disputes Act.

Meaning thereby the learned Judge, Labour Court has only passed an order for compliance of the order passed by the Government for grant of revised pay scale. No adjudication with regard to entitlement of any benefit has been made by the learned trial court.

I see no reason to interfere with the order passed by the learned trial court. The writ petition is, therefore, dismissed.

**[GOPAL KRISHAN VYAS],J.**

A.K. Chouhan/-